

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

DOYLE EDWARD MCBEE,

Plaintiff,

v.

**Civil Action No. 2:12-CV-64
(BAILEY)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge John S. Kaull [Doc. 15]. In the R&R, the Magistrate Judge Kaull concluded that the Commissioner’s decision denying Plaintiff’s application for supplemental security income is supported by substantial evidence [*Id.* at 46]. As such, the magistrate judge recommended that Defendant’s Motion for Summary Judgment [Doc. 13] be granted and Plaintiff’s Motion for Summary Judgment [Doc. 11] be denied [*Id.*].

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*

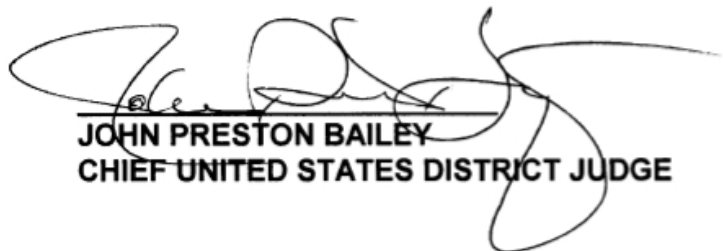
review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Kaull's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b). The magistrate judge entered the R&R on March 11, 2013; service was immediately made to counsel for the plaintiff. To date, no objections have been filed.

Upon careful consideration, it is the opinion of this Court that the magistrate judge's Report and Recommendation [**Doc. 15**] should be, and hereby is, **ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court hereby **GRANTS** the Defendant's Motion for Summary Judgment [**Doc. 13**] and **DENIES** the Plaintiff's Motion for Summary Judgment [**Doc. 11**]. Accordingly, the Court hereby **ORDERS** that this matter be **STRICKEN** from the active docket of this Court. The Clerk is directed to enter a separate judgment in favor of the defendant.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: April 2, 2013.



JOHN PRESTON BAILEY
CHIEF UNITED STATES DISTRICT JUDGE